REMARKS

An Office Action was mailed on December 18, 2003. Claims 1 - 15 are pending in the present application. With this response, Applicant amends claims 1, 2, 5, 6 and 9 – 11. No new matter is introduced.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-15 are rejected under 35 U.S.C. §102(b) as being anticipated by Soga et al. (U.S. Patent 5,737,304). Applicants amend claims 1, 2, 5, 6 and 9 – 11 to further clarify the nature of their invention, and respectfully traverse this rejection.

In independent claims 1, 5 and 9, Applicants disclose a disk drive apparatus comprisinga main apparatus having a frame, a disk tray causing a disk to move between a stored position and a drawn-up position relative to the main apparatus such that the disk tray has one surface on which the disk is placed, a disk rotational drive mechanism rotationally driving the disk and an optical pickup mechanism performing at least one of reading stored information from the disk and writing information onto the disk. A movable member supporting the disk rotational drive mechanism and the optical pickup mechanism is rotatably supported at one end relative to the frame. An elevator drive mechanism operates to bring the disk rotational drive mechanism and the optical pickup mechanism closer to or farther away from the disk, with the movable member free to rise and fall. A vibration-absorbing member is provided to the other end of the movable member which, when the disk is moved to the stored position, comes into contact with another surface of the disk tray. In this manner, vibrations caused by rotations of the disk and/or seeking movements of the optical pickup are absorbed by the vibration-absorbing member.

Soga discloses a disk drive apparatus for driving a CD or CD-ROM (see, e.g., abstract of Soga). A base unit 9 may be rotated about insulators 119 at one end (see, e.g., FIGS. 25-26 of Soga). At the other end of base unit 9, an insulator 123 supports a lever 120 which may be engaged for rotating base unit 9 about insulators 119.

In sharp contrast to Applicants' claimed disk drive apparatus, however, Soga's insulator 123 does not constitute a vibration absorbing member that comes into contact with a second surface of the disk tray when the disk tray of the apparatus is moved to the stored position. As illustrated by FIGs. 25 and 26 of Soga, insulator 123 does not come into direct contact with disk tray 2 when tray 2 is moved to a stored postion. While it may be argued that fixing screw 122 that holds insulator 123 to base unit 9 makes contact with tray 2, fixing screw 122 cannot reasonably be said to constitute a vibration-absorbing member. Moreover, as is apparent from FIG. 26, when tray 2 is in the stored position, fixing screw 122 is positioned in a notch 5 of tray 2. As a result, fixing screw 122 actually fails to come into contact with tray 2.

Accordingly, Applicants respectfully submit that independent claims 1, 5 and 9 are not anticipated by Soga, and are therefore allowable. As claims 2 – 4, 6 - 8 and 10 – 15 each depend form one of allowable claims 1 5 and 9, Applicants further submit that claims 2 – 4, 6 - 8 and 10 – 15 are allowable for at least this reason.

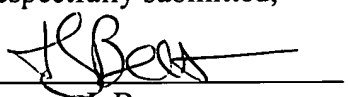
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-15, consisting of independent claims 1, 5 and 9, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, he or she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

KMZ ROSENMAN
575 MADISON AVENUE
NEW YORK, NEW YORK 10022-2585
PHONE: (212) 940-8800/FAX: (212) 940-8776
DOCKET No.: SCEY 19.080 (100809-16314)